

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TOMAS BENJAMIN SAPON BAQUIAX, *et al.*,

Plaintiffs,

-against-

ABASUSHI FUSION CUISINE INC. (d/b/a ABA  
ASIAN FUSION CUISINE), *et al.*,

Defendants.

16cv2997 (ALC) (DF)

**ORDER**

**DEBRA FREEMAN, United States Magistrate Judge:**

Currently before this Court is a motion by CSM Legal, P.C. (“CSM Legal”), to withdraw as counsel of record for plaintiff Florencio Arguello Tentle (referred to in counsel’s motion as “Plaintiff Florencio”). (Dkt. 70.) This Court having reviewed CSM Legal’s motion, it is hereby ORDERED as follows:

1. No later than February 23, 2022, CSM Legal is directed to serve a copy of its motion to withdraw, together with a copy of this Order (and a Spanish translation of both the motion and this Order), on Plaintiff Florencio, by means reasonably calculated to reach him, and to file proof of such service on the Docket of this action.

2. If Plaintiff Florencio wishes to be heard with respect to CSM Legal’s motion to withdraw as counsel, then, **no later than March 9, 2022, Plaintiff Florencio should submit his written response to the Court, with a copy to CSM Legal.**<sup>1</sup> Plaintiff Florencio should mail his response to my Chambers, at the following address:

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<sup>1</sup> If the written response is in Spanish, then CSM Legal is directed to submit a certified translation to my Chambers within five business days of its own receipt of that response.

Hon. Debra Freeman, U.S. Magistrate Judge  
United States Courthouse  
500 Pearl Street, Room 1660  
New York, New York 10007

Plaintiff Florencio's response may be submitted *ex parte*; in other words, that response need not be served on counsel for Defendants. This Court, in its discretion, will determine whether any response it receives from Plaintiff Florencio should be filed publicly or if the response contains sensitive information that warrants its being placed under seal. If, by March 9, 2022, this Court receives no objection to CSM Legal's motion from Plaintiff Florencio, then this Court may proceed to grant the motion to withdraw as unopposed.

3. Regardless of whether it receives any objection to CSM Legal's request for leave to withdraw, **this Court will hold a telephonic conference on March 16, 2022 at 10:00 a.m.** with respect to that request. **Plaintiff Florencio (as well as counsel) is directed to attend that telephone conference personally, and counsel is also directed to provide someone on the call, other than counsel, who will be able to interpret for Plaintiff Florencio.** For that conference, the parties are directed to call the following Toll-Free Number: (877) 411-9748, and to use Access Code: 9612281.

4. Plaintiff Florencio is cautioned that, if he chooses to proceed in this Court *pro se* (meaning without an attorney), then he will be expected to keep the Court apprised of his contact information; to prosecute the action on a *pro se* basis; to support his claim for damages; to attend all conferences scheduled by the Court; to cooperate fully in the discovery process, should there be any further discovery in this action; to respond to any summary judgment motion filed by Defendants; to represent himself at trial, should the matter proceed to trial; to meet all deadlines set by the Court; and, as a general matter, to comply – on his own – with all rules and procedures of the Court. Plaintiff Florencio's failure to provide his current contact information to the Court,

or otherwise to participate in the litigation as required, may result in the entry of an order dismissing his claims for failure to prosecute.

5. If Plaintiff Florencio decides to proceed in this action *pro se* and needs assistance in understanding any of the procedural rules of this Court or any aspect of this Order, then he is encouraged to contact the Court's *Pro Se* Office. The telephone number for the *Pro Se* Office is (212) 805-0175.

Dated: New York, New York  
February 17, 2022

SO ORDERED



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DEBRA FREEMAN  
United States Magistrate Judge

Copies to:

All counsel (via ECF)